APPENDIX

FEB 27

MICHAEL RODA

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1972

No. 72-658

CITY OF KENOSHA,
A Wisconsin Municipal Corporation;
CITY OF RACINE,
A Wisconsin Municipal Corporation;
ROBERT W. WARREN,
Attorney General of the State of Wisconsin,
Intervening Defendant;

Appellants,

v.

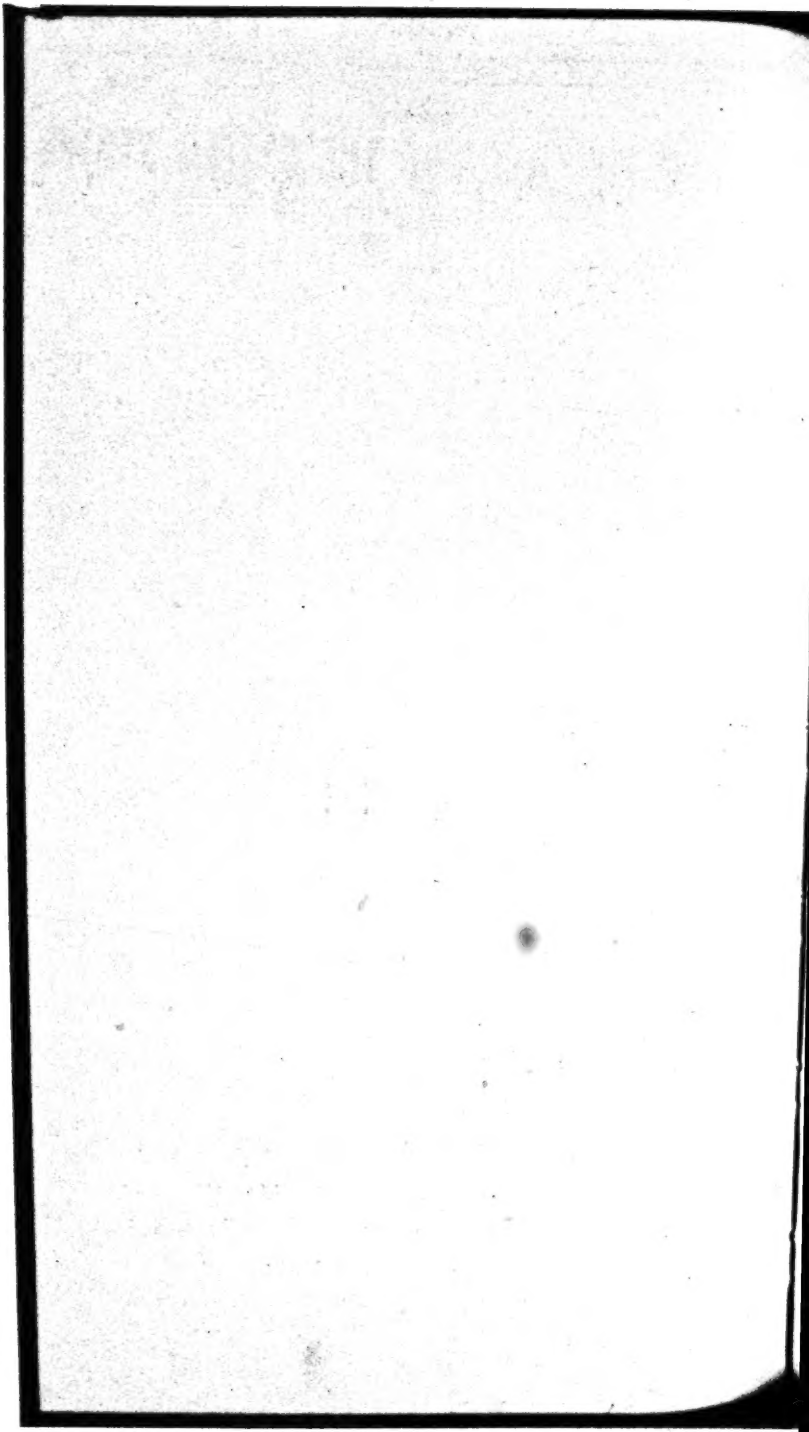
PETER G. BRUNO;	No. 71-C-330
BRUCE BLEASHKA:	No. 71-C-331
SLEEPY'S, INC.;	No. 71-C-332
FRED KAUZRICH;	No. 71-C-333
JEANETTE STENZEL;	No. 71-C-334
CHARLES WIGINTON;	No. 71-C-352
RICHARD A. MISURELLI and TERRANCE MC CUE;	No. 71-C-316
GO-GO OF RACINE, INC., A Wisconsin Corporation, THEODORE F. WITHERIL, and JEROME J. RUETZ, JR.; and	No. 71-C-317
DAVID H. ROBERS;	No. 71-C-335

Appellees.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

APPEAL DOCKETED OCTOBER 28, 1972

PROBABLE JURISDICTION NOTED JANUARY 8, 1973



APPENDIX

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1972

No. 72-658

CITY OF KENOSHA,
A Wisconsin Municipal Corporation;
CITY OF RACINE,
A Wisconsin Municipal Corporation;
ROBERT W. WARREN,
Attorney General of the State of Wisconsin,
Intervening Defendant;
Appellants,

v.

PETER G. BRUNO;	No. 71-C-330
BRUCE BLEASHKA;	No. 71-C-331
SLEEPY'S, INC.;	No. 71-C-332
FRED KAUZRICH;	No. 71-C-333
JEANETTE STENZEL;	No. 71-C-334
CHARLES WIGINTON;	No. 71-C-352
RICHARD A. MISURELLI and TERRANCE MC CUE;	No. 71-C-316
GO-GO OF RACINE, INC., A Wisconsin Corporation, THEODORE F. WITHERIL, and JEROME J. RUETZ, JR.; and	No. 71-C-317
DAVID H. ROBERS;	No. 71-C-335

Appellees.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

APPENDIX INDEX

Page

Chronological List of Relevant Docket Entries 4

Amended Complaint. Filed June 30, 1971 8

Page

Temporary Restraining Order to City of Racine to Issue Liquor License to Plaintiffs. Filed July 2, 1971 13

Answer of Defendant, City of Racine. Filed July 23, 1971 14

Decision and Order Denying Defendants' Motion to Vacate the Temporary Restraining Order and Further Denying Defendants' Motion to Modify Temporary Restraining Order. Filed July 30, 1971 19

Amended Complaint Challenging Constitutionality of Wisconsin Statutes. Filed September 21, 1971 21

Stipulation of Facts Filed by the Parties on September 21, 1971 28

Memorandum Opinion and Order that Temporary Restraining Order Outstanding Is Continued Until Further Order of the Court. Filed October 21, 1971 36

Order Granting Leave to Robert W. Warren, Attorney General of Wisconsin, to Intervene and Be Made a Party Defendant. Filed December 17, 1971 37

Defendant's Answer to Amended Complaint. Filed March 31, 1972 38

Plaintiffs' Notice of Motion and Motion for Summary Judgment with Affidavit. Filed April 7, 1972 47

Page

Defendant's Notice of Motion and Motion for Summary Judgment with Affidavit. Filed April 10, 1972 49

Notice of Motion of Intervening Defendant for Summary Judgment with Affidavit. Filed April 17, 1972 51

Decision and Order. Filed August 2, 1972 53

Judgment. Filed August 14, 1972 54

Notice of Appeal to the Supreme Court of the United States. Filed September 1, 1972 55

Temporary Restraining Order to City of Kenosha to Issue Liquor License. Filed July 2, 1971 56

Answer and Affirmative Defense. Filed July 23, 1971 57

Motion of Defendant, with Supporting Affidavits, that Temporary Restraining Order Entered on July 2, 1971, Be Modified. Filed March 22, 1972 61

Certificate of Service 73

CHRONOLOGICAL LIST OF RELEVANT DOCKET ENTRIES.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RICHARD A. MISURELLI
and TERRANCE MC CUE,
Plaintiffs,

vs.

Civil Action
No. 71-C-316

CITY OF RACINE,
a Wisconsin Municipal Corporation,
Defendant.

4	6/25/71	Complaint.
11	6/30/71	Plaintiffs' motion for ex parte mandatory injunctive relief with affidavit of Terrance McCue.
14	6/30/71	Amended complaint.
48	7/2/71	Temporary restraining order to City of Racine to issue liquor licence to plaintiffs.
52	7/8/71	Defendant's motion to vacate temporary restraining order with supporting affidavit.
75	7/16/71	Defendant's reply to request for admis-mission of facts.
87	7/21/71	Plaintiffs' request of defendant for admis-mission of facts.

Page of Record		
93	7/21/71	Plaintiffs' response to defendant's request for admission of facts.
94	7/23/71	Answer.
101	7/26/71	Defendant's motion to modify temporary restraining order entered on 7/2/71.
103	7/30/71	Decision and order denying defendant's motion to vacate the temporary restraining order and further denying defendant's motion to modify temporary restraining order.
108	9/21/71	Amended complaint challenging constitutionality of Wisconsin Statutes.
115	9/21/71	Stipulation of facts filed by the parties.
125	10/21/71	Memorandum opinion and order that temporary restraining order outstanding is continued until further order of the court.
127	11/4/71	Order designating the Honorable Thomas E. Fairchild, the Honorable Myron L. Gordon, and the Honorable John W. Reynolds as members of a three-judge court.
130	12/16/71	Motion of Robert Warren, Attorney General of Wisconsin, to intervene as a party defendant.
133	12/17/71	Order granting leave to Robert Warren, Attorney General of Wisconsin, to intervene and be made a party defendant.
141	3/31/72	Defendant's answer to amended complaint.
151	4/7/72	Plaintiffs' motion for summary judgment.

Page of Record		
156	4/10/72	Defendant's motion for summary judgment.
158	4/17/72	Motion of intervening defendant for summary judgment.
164	8/2/72	Decision and order.
177	8/14/72	Judgment.
179	9/1/72	Notice of appeal.

SLEEPY'S, INC.,
Plaintiff,

vs.

Civil Action
No. 71-C-332

CITY OF KENOSHA,
a Wisconsin Municipal Corporation,
Defendant.

189	6/29/71	Complaint.
199	7/2/71	Temporary restraining order to City of Kenosha to issue liquor license to plaintiff.
282	7/23/71	Answer and affirmative defense.
286	7/30/71	Decision and order denying defendant's motion to vacate temporary restraining order and defendant's motion to modify temporary restraining order.

Page of Record		
290	10/21/71	Memorandum opinion and order that temporary restraining order outstanding is continued until further order of the court.
315	3/22/72	Motion of defendant that temporary restraining order entered on 7/2/71 be modified.
329	4/7/72	Plaintiff's motion for summary judgment.
339	4/21/72	Plaintiff's amended complaint challenging constitutionality of Wisconsin Statutes.
346	8/2/72	Decision and order.
350	8/14/72	Judgment.
352	9/1/72	Notice of appeal.